

From: Tyler Miller <tmiller@cityofscappoose.org>

Date: January 11, 2023 at 16:26:52 PST

To: Mike Fletcher <Mfletcher@columbia911.com>

[REDACTED] michael.russell@columbiacountyor.gov

Subject: [EXTERNAL]Radio System

Mike,

I would like to be able to support the WCCA/Motorola endeavor. If you can hear me out on some concerns and requests, I think you may gain my support.

I can tell you that our city management and council are extremely concerned for the public's interest. Motorola is much more expensive than Tait. The attached documents illustrate that point. Even with the discounts Motorola offered, they were still millions more, "apples to apples". When the site count goes up to achieve the coverage needed, the cost difference between Tait and Motorola is likely to increase by millions more. We are also concerned about schools not being included, all public works departments and the electric utility providers. Schools especially have the potential of bringing hundreds of thousands of dollars in grants to this project.

If not impossible, it is going to take a lot to convince voters to pay millions more compared to a system that meets all the end user requirements and costs millions less.

I am all for competition to get the best possible price for our taxpayers. I am willing to share with you all information I can from our work with Tait to help Federal Engineering and Motorola put a system together that meets our end user's needs at the best possible price offer. My focus has always been: 1) coverage per the user interviews, and 2) total cost of ownership over 15 years.

I am willing to share our site coordinates for the sites selected and the context behind those selections. We spent a lot of time reviewing sites with two different Tait engineers. We reviewed over 70 sites inside and outside the county. The most recent results had the site count down to 13 sites with portable radio coverage from the hip (95% reliability at 3.4 DAQ), that met the end user requirements. I can also share all the radio and accessory counts we received from our interviews. We put a lot of focus on getting those counts correct. For context, the radio count ended up at 978 (not 650), just for fire, police, Columbia County public works and 911 admin and cache radios.

Tyler Miller

City Councilor

City of Scappoose, Oregon

(503) 543-7146 City Hall

(206) 491-6904 Mobile

[City Website](#)

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PETERKIN BURGESS
ATTORNEYS AT LAW

January 18, 2023

Via Email Only

City Council
 City of Scappoose
 c/o Joe Backus, Mayor jbackus@cityofscappoose.org;
 c/o Megan Greisen, Council President: mgreisen@cityofscappoose.org
 33568 E. Columbia Ave.
 Scappoose, OR 97056

Re: Columbia 9-1-1 Communications District

Dear City Councilors:

This firm represents Columbia 9-1-1 Communications District (“District”). The District’s Board of Directors (“Board”) intends to acquire a new public safety radio system with robust coverage, superior reliability, sufficient radio units, and for the best value. The Board appreciates all constructive input, but ultimately it is the Board’s sole duty to act for the District’s best interests—as it has in the past.

The Board passed a resolution that directs staff, its attorneys, engineers, and consultants to engage with Motorola and WCN and to present a sole source proposal to the Board (the “Motorola Proposal”). Once the Motorola Proposal is presented to the Board, it will be available for public comment and discussed at a public hearing. After completing the above process, the Board will decide whether to accept the Motorola Proposal and negotiate a contract or issue an RFP.

In City Councilor Miller’s January 11, 2023 email to the District’s Executive Director, Mr. Fletcher, Miller expresses unfounded concerns based on inaccurate facts and false premises. For example, he assumes the District will contract with Motorola and join WCN. Both remain open questions. He concludes that Motorola will be the more expensive option without sufficient facts to support his conclusion. The District has not yet received Motorola’s final specifications and estimate. Further, once complete costs for microwave backhaul, dispatch consoles, portable and mobile radios, and site development are included, a more accurate Tait proposal cost is about \$25 million.

In Miller’s January 11, 2023 email, he offers to share Tait’s information. The Board must decline Councilor Miller’s offer to share Tait’s information, some of which may be proprietary or confidential work product. Instead, Motorola must present its proposal to the Board based on Motorola’s independent analysis and in conformance with Federal

Michael W. Peterkin • *Megan K. Burgess* • *Christian Malone* • *Taylor Hale*

City Council
January 18, 2023
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Engineering system specifications. This process will better bind Motorola to its proposal and warranty obligations, including coverage representations and guarantees. Thus, the District intends to obtain the best system with the represented coverage and at the best value if the Board accepts the Motorola proposal.

In brief, assuming Councilor Miller is authorized to speak for the City of Scappoose, he is not a member of the District's advisory committee. Mr. Miller and the City will have an opportunity to comment like other public members of the District once the Motorola Proposal is complete and after it is presented to the Board. The District requests that Mr. Miller and the city refrain from further comment and criticism until the Motorola Proposal is complete and can be fairly evaluated.

Sincerely,



Michael W. Peterkin

Copy (via email only):

C911CD Board of Directors
Mike Fletcher, Executive Director of C911CD
Mike Russell, Chair of the Advisory Committee
Tyler Miller, Councilor, City of Scappoose

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: Peter Watts <peter@peterowattspc.com>
Date: Wed, Jan 18, 2023 at 6:04 PM
Subject: Communication with Scappoose Mayor and Councilors
To: <mwp@peterkinburgess.com>

Mr. Peterkin,

I am the City Attorney for the City of Scappoose, I was forwarded your letter to our Mayor and Council President. I would appreciate it if you directed any future communications to me.

I have not been closely following the procurement portion of the radio process, though it has been coming up at our City Council meetings. There have also been questions/concerns from community members. There seems to be some confusion regarding the process, and your letter gives me a better understanding of where you are in that process.

I think there is a very high probability that there will be future questions given the decision to move forward with a sole source contract. Would you mind providing me with your OAR 125-247-0275 Findings? It would aid me in providing the Council with accurate information, and help insure that they are receiving accurate information.

--

Peter O. Watts
(503) 657-0406
1969 Willamette Falls Dr. Suite 260
West Linn OR., 97068

--

Peter O. Watts
Peter O. Watts P.C.
(503) 657-0406 Ext 29
1969 Willamette Falls Dr. Suite 260

West Linn OR., 97068



PETERKIN BURGESS
ATTORNEYS AT LAW

January 20, 2023

Via Email Only: peter@peterowattspc.com

Peter Watts
1969 Willamette Falls Drive, Suite 260
West Linn, OR 97068

**Re: Columbia 9-1-1 Communications District
Communication with Scappoose Mayor and Councilors**

Dear Mr. Watts:

My January 18, 2023, letter to the City of Scappoose was in response to the January 11, 2023, email that Councilor Miller sent to Columbia 9-1-1 Communications District (“District”) and its board of directors (“Board”). His email followed a District public meeting on January 11, 2023, that Miller attended. I enclose a copy of his email for your review and records.

At the above-referenced public meeting, the Board passed a resolution that directed staff, its attorneys, consultants, and engineers to engage with Motorola and WCN and, afterward, to present a sole source proposal to the Board (the “Motorola Proposal”). Contrary to your January 18, 2023 email, the District did not resolve to contract with either Motorola or WCN. Thus, I requested in my letter to the city: “The District requests that Mr. Miller and the city refrain from further comment and criticism until the Motorola Proposal is complete and can be fairly evaluated.” This was a fair common-sense request that is consistent with the District’s jurisdiction.

Please be advised that the public review period will start when the Motorola Proposal hearing notice is posted with a link to the Motorola Proposal. After the public review period begins, all comments will be given appropriate weight by the Board. Thus, it is premature to request the basis of a District action that has not yet occurred and may never occur because the Motorola Proposal has not been presented.

Further, I ask that you request that Councilor Miller not contact the District directly. After the above-mentioned District meeting, Mr. Miller requested a private meeting with a Board member. That request was rejected. Miller then sent his at-issue January 11 email.

The District is concerned that Councilor Miller has and will act *ultra vires*. Please provide a copy of the city resolution empowering him to communicate with Tait,

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Peter Watts
January 20, 2023
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contact individual District Board members, and send his January 11 email to the District. If he was empowered to act or will be empowered to act, the District, nevertheless, requests that Miller communicates through you.

Finally, I request copies of all of Miller's communications with Tait and Communications Northwest. If you require a formal public request for records, please advise.

In closing, the District intends to acquire a new public safety radio system with robust coverage, superior reliability, and sufficient radio units for the best value to benefit and protect its users and the public in compliance with Oregon law.

Sincerely,



Michael W. Peterkin
Enclosure as stated
Copy (via email only):

Mike Fletcher, Executive Director of C911CD

From: Tyler Miller <tmiller@cityofscappoose.org>
Date: January 11, 2023 at 16:26:52 PST
To: Mike Fletcher <Mfletcher@columbia911.com>
Cc: rob503@comcast.net, henry@henryheimuller.com, flycessna182@gmail.com, Shelleylh64@hotmail.com, michael.russell@columbiacountyor.gov
Subject: [EXTERNAL]Radio System

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Tyler Miller

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February 18, 2023 Facebook Post



Tyler Miller: Scappoose City Council



Tyler Miller: Scappoose City Council

February 17 at 7:44 PM ·

...

Hello Scappoose and Columbia County Residents,

I apologize in advance for a lengthy post. There's a lot of information to share on this topic that can impact our safety and taxes.

- - -

The Columbia 9-1-1 Communications District (C911CD) has publicly posted Resolution 2023-001.

The C911CD is holding a board of directors meeting this Thursday, 2/23/2023 at 9 AM, at the 9-1-1 facility located at 58611 McNulty Way, St. Helens. The board recently limited public comment time from 10 minutes to 3 minutes, per person. Public comment usually starts at about 9:01 AM. Resolution 2023-001 (attached) is on the agenda.

It is critical the public (taxpayers) show up and let your voice and opinion be heard. As you can gather from 9-1-1's Resolution 2023-001, the C911CD appears to be attempting to avoid well established best practice "public contracting" guidelines/rules applicable to government/public agencies, and perhaps "sole source" a multi-million-dollar procurement to Motorola, and entangle our county's 9-1-1 emergency system with Washington County's. As we know from watching past statewide elections, Multnomah and Washington County often control what happens throughout the rest of Oregon, which does not always match with the majority of Columbia County voters. Why would we want our local, county, emergency system entangled with their voters and their much larger public safety agencies to essentially control?

In reading C911CD's Resolution, keep in mind that all law enforcement agencies in our county, except 1, voted NO on the motion, which was "sole source the Motorola solution and join the WCN network". "WCN" is essentially Washington County's radio system. Columbia County Sheriff's Office, Rainier Police Department, Columbia City Police Department, Vernonia Police Department and the Scappoose Police Department were all present, and all voted against the motion. They want to see a fair, competitive RFP/procurement process, from the onset to ensure they get the radio system that meets their operational and safety needs at the best possible price to the taxpayers.

We can see the C911CD's Resolution is designed to avoid a competitive procurement process from the onset, where all qualified vendors would normally be invited to submit a proposal with their best price. Instead, the C911CD is inviting only Motorola to submit to them a "sole source proposal". By avoiding a competitive/RFP process, the C911CD legally avoids other vendors "protesting" an award exclusively to Motorola. In other words, this is a very shady strategy that is not within the spirit of the public contracting statutes. Per C911CD's 1/13/23 to 2/15/23 Expenditure Report, the involved attorney, Michael Peterkin (Perkin Burgess, in Bend), has billed the C911CD \$34,579.97 within about 1 month. These records are online. This is our tax money that is being abused and wasted.

The new radio system procurement would be funded by our tax dollars. From everything I have seen so far, the procurement will cost anywhere between \$20 million and \$35 million dollars. The C911CD would have to ask us, the voters, to approve a tax levy, bond or both.

Qualified vendors who could submit a proposal would normally include at least Motorola, Harris, Tait and Kenwood. If the C911CD accepts the sole source proposal from Motorola, we the public will never know if tax money could have been saved - perhaps, and likely, millions of taxpayer dollars.

The Resolution mentions a "public hearing". What good is a public hearing if there are no other proposals/bids to inform the public and the decision makers of other options? Is the 9-1-1 Executive Director Mike Fletcher and Board trying to make an exclusive deal with Motorola with no competitive process? Motorola is known for being much more expensive in these types of system procurements. Why is this opportunity not open to all vendors; Motorola, Harris, Tait, Kenwood, etc.? Why is competition being avoided? Folks, in my book, this does not pass the "smell test".

Entanglement with Washington County 9-1-1? As part of this endeavor, the C911CD Executive Director appears to be headed towards making Columbia County rely on Washington County's expensive radio system components for our Columbia County public safety radio system to function. What happens when Washington County, who has a much larger tax base/budget than Columbia County wants to upgrade? In the past, they have about 10 to 15 years ahead of Columbia County. Should Columbia County with a taxbase of about 53,000 residents get entangled with a larger county with a taxbase of over 500,000 residents? We essentially lose control of a major part of our 9-1-1 emergency system.

How does Columbia 9-1-1 Communication District defer such an important part of Columbia County's emergency system to another county's agencies? In other words, joining WCN/Washington County's radio system would entangle us with some of the largest public safety agencies in Oregon, in a completely different county, who currently and would continue to have majority voting power on aspects related to the public safety radio system serving Columbia County's 9-1-1 emergency system. As one person said to me, that is "Taxation without Representation".

To me, the message to our 911 Board of Directors is clear: No sole source to Motorola, no joining/no entanglement with Washington County 9-1-1/WCN.

Resolution 2023-001 undermines public contracting principles and rules and signals to Motorola they are the only proposal/bid being considered. That begs the question: why would Motorola offer the best possible price to our taxpayers, when they are inherently aware there is no competition due to C911CD's Resolution 2023-001? Simply put, Resolution 2023-001 destroys public trust in our public contracting system and serves to destroy trust in C911CD's board of directors, who we elected. Whose interest is the 9-1-1 board of directors representing? Motorola or the constituents who elected them?

From the League of Oregon Cities Purchasing and Public Contracts handbook:

"In the private sector, organizations are generally free to contract however and with whomever they choose with the focus often on the organization's profit. In the public sector, public contracting is founded on the principle of fully advertised, open, and fair competition with the focus on transparency and fairness...."

2/23/2023 at 9 AM, at the 9-1-1 facility located at 58611 McNulty Way, St. Helens.

The 9-1-1 District has 3 board seats up for election in this May's election.

Have questions? Feel free to send me a message.

Tyler Miller
Scappoose Resident/Taxpayer
Scappoose City Councilor



Columbia 9·1·1 Communications District
P.O. Box 998
St. Helens, OR 97051

RESOLUTION 2023-001

WHEREAS a joint meeting of the Columbia 9-1-1 Communications District's Advisory Committee and the Board of Directors met at a regularly scheduled meeting on January 11, 2023;

WHEREAS a quorum of Directors was present being:

- Bruce Holsey
- Jeff Flatt
- Henry Heimuller
- Shelley Hennessy
- Rob Anderson

WHEREAS members of the District's Advisory Committee were present.

WHEREAS the District is evaluating the feasibility of the purchase and transfer of Motorola radio equipment currently in possession of the Clackamas 800 Radio Group (C800). C-800 is offering the equipment to the District at a 2017 pricing with a 40% additional discount.

WHEREAS the District is evaluating a direct equipment procurement from Motorola in conjunction with the C-800 purchase to obtain all equipment necessary for a new public safety land mobile radio system ("Radio System"). The District's evaluation is dependent upon, among other considerations, legal, cost, and practical considerations and after verification of recommended system requirements by District staff and the District's consultants and user agencies.

WHEREAS the District is evaluating whether to pursue a formal partnership with the Washington, Clackamas, Newberg Radio Consortium (WCN) managed by the Washington County Consolidated Communications Agency (WCCA).

WHEREAS, following discussion on the above issues, the Advisory Committee recommended to the Board of Directors to engage with Motorola and WCN and to present a sole source Motorola and WCN Proposal to the District for Board approval.

WHEREAS following the advisory vote from the committee, Rob Anderson made a Motion and Jeff Flatt seconded the motion that the Directors unanimously passed the following resolutions:



Columbia 9·1·1 Communications District
P.O. Box 998
St. Helens, OR 97051

IT WAS UNANIMOUSLY RESOLVED that the District's staff, its attorneys, and consultants are directed to formulate sufficient Radio System requirements to achieve robust coverage, superior reliability, with sufficient radio units, and for the best value and to engage with Motorola to negotiate a sole source Radio System proposal ("Motorola Proposal") for presentation to the Board with design elements that include:

- System functional and operational requirements
- Potential site locations & connectivity requirements and plans
- Coverage requirements
- System reliability and redundancy
- Radio vendor deliverables to include but not limited to: (design license documents, operations and maintenance manuals, test plans & reports, training manuals)
- Regulatory and standards compliance
- Environmental, seismic, and other site requirements
- Migration and cutover plans
- System coverage and acceptance test plans
- Network management
- Training
- Warranty
-

IT WAS FURTHER UNANIMOUSLY RESOLVED that the District's staff, its attorneys, and consultants are directed to explore the feasibility of a partnership with WCN.

IT WAS FURTHER UNANIMOUSLY RESOLVED that once the Motorola Proposal and WCN option is presented to the Board, they will be available for public comment in writing and at a public hearing.

IT WAS FURTHER UNANIMOUSLY RESOLVED that after completing the public hearing, the Board at that time will decide whether to proceed with the Motorola proposal and whether to negotiate a Radio System contract with Motorola or, in the alternative, whether to issue an RFP for a new Radio System.

By signature below, the Secretary confirms his attendance and concurs that the Resolution is true and accurate as specified above.

Jeff Flatt, Secretary



February 23, 2023

Via: Personal Service
Tyler Miller
32915 SW Keys Crest Drive
Scappoose, OR 97056

Re: Columbia 9-1-1 Communications District

Dear Mr. Miller:

NOTICE: You are not permitted to enter the District's premises or any property owned or leased by the District, including remote tower sites. You are not allowed to attend the District's public meetings in person. You may attend District public meetings by remote means. A remote access link will be included in all the District's public meeting notices. You may make remote presentations to the Board under the operative District rules. You may continue to audio record or videotape meetings through the link provided or by proxy if the on-site recording is open, obvious, and unobtrusive.

ADDITIONAL NOTICE: You are further notified not to contact District employees directly, indirectly, or through the District's communications systems except in an emergency. If you need to contact the District for non-emergency reasons, you may only call (971) 415-4714. The District will respond to written public records requests in writing in the ordinary course.

The above notices are necessary to shield District employees from your conduct, which has created a hostile work environment. You have no right to harass and intimidate district employees with your words, your conduct, or with offensive, sexually explicit images. Further, you have no right to put employees in fear of you or fear that you will retaliate against them.

FAILURE TO COMPLY. If you fail to comply with the above notices, you will be subject to civil or criminal actions.

Local law enforcement will be provided a copy of this notice for future enforcement purposes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael W. Peterkin".

Michael W. Peterkin

Copy (via email only):

Mike Fletcher, Executive Director of C911CD
Peter Watts, Scappoose City Attorney (Email only)

Michael W. Peterkin • *Megan K. Burgess* • *Taylor Hale*